

INDIANA EMERGENCY RESPONSE COMMISSION (IERC) MEETING

Indiana Government Center
302 West Washington St.
Conference Room A
Indianapolis, IN 46204
November 3, 2014 1:00 P.M.

WELCOME AND INTRODUCTION

James Greeson, IERC Chair, welcomed everyone to the meeting and determined a quorum.

COMMISSION MEMBERS PRESENT

James Greeson—State Fire Marshal, Chair
Bruce Palin—Designee for Commissioner of IDEM, Vice-Chair
Robert Johnson—Designee for Executive Director of IDHS
Bernie Beier—Local Government Representative
Shawn French—Industry Representative
James Pridgen—Industry Representative
Clint Bundy—Designee for Superintendent of ISP
Dean Larson—Public Representative

QUORUM

LEPC Coordinator Ashley Holcomb (IDHS) indicated a quorum was present.

The following staff members were present:

Ian Ewusi—IDHS/IDEM	Brad Gavin—IDHS
Ashley Holcomb—IDHS	Laura Steadham—IDEM
Catherine Dutton—IDHS	Justin Forkner—IDHS
Madison Roe—IDHS	Chuck Emsweller--IDHS

The following members of the audience were present:

Jeff Larmore—Marion County LEPC	Becky Waymire—Morgan County LEPC
Alvin Beckman—Cass County EMA/LEPC	Allison Moore—District Eight DPC
Bill Beranek—Marion County LEPC	

CONSIDERATION OF THE MINUTES

A motion to approve the minutes from the September 8, 2014, meeting was made by Mr. French and seconded by Mr. Palin. **MOTION CARRIED**

REPORT OF THE CHAIR- James Greeson, Chair

Mr. Greeson spoke of the end of the HMEP grant cycle on September 30, 2014 and the liquidation period is November 19, 2014. LEPC's who received grant funding should submit their invoices.

David W. Kane was announced as the new Executive Director of Homeland Security effective November 24, 2014. It is undetermined as to what the new director's involvement will be in the IERC at this time.

Mr. Greeson announced the resignation of Brian Lott from the commission. We will be looking to fill the empty appointments. Mr. Lott was also the Chair of the IERC Training Committee, and Mr. Bernie Beier has accepted that position as of today.

COMMITTEE REPORTS

Communications Committee—Dean Larson, Chair

Mr. Larson stated that there was not a communications committee meeting today but he does have a project he has been working on. He noted hearing at the IERC meeting in Fountain County that one of the EMA directors wished we could move the IERC and EMAI conferences back together. This statement was echoed by other individuals, including Commissioner Bernie Beier. The EMAI has also asked Mr. Larson to join their board of commissioners. Mr. Larson is making a formal recommendation that starting in 2015 the IERC moves back with the EMAI conference. Mr. Pridgen informed the commission that he was also approached numerous times about combining together again. Mr. Greeson addressed the discussion of joining up with the IERC conference and the cost for vendors to attend both of the conferences. He asked the commission which conference is best received by those vendors that pay to attend as well. Mr. Larson noted that over the past few years his observation has been that there are little to no vendors that are focused on LEPC's, but were vendors with reporting software at the EMAI conference. Mr. Greeson asked the audience for comments and thoughts. Mr. Alvin Beckman with Cass County EMA/LEPC has been the EMA director for 15 years and has been on the EMAI board for many years. He stated that as a board they are open and would welcome having the IERC join the conference and believes the two groups mesh very well together. Motion made by Mr. Larson, seconded by Mr. Pridgen. **MOTION CARRIED.**

Policy/Technical Committee—James Pridgen, Chair

Mr. Pridgen brought to the commission the topic of HSEEP exercises. The Policy- Tech committee suggests that while NEXS is down, we continue with requiring HSEEP compliant exercises. The staff has agreed to send out a formal letter to all LEPC's discussing the formal process we will be using.

Mr. Pridgen also reported that the policy-tech committee did vote to adopt the electronic communications policy but would like to have it voted upon during the open commission meeting. He made a motion for IC 5-14-1.5-3.6 to allow members of this body to attend the Policy-Tech meetings electronically, seconded by Mr. Palin. **MOTION CARRIED.**

Also mentioned by Mr. Pridgen were the approval of two vendor applicants, Stephanie McKinney and John Hooker. He noted that the qualifications for who can apply are a bit foggy right now and the committee will be working on clarifying this process.

Mr. Pridgen introduced Catherine Dutton, the new HazMat Section Chief, and asked for her to be added to the Policy Tech committee. Motion to add Ms. Dutton to the Policy-Tech committee was made by Mr. Pridgen, seconded by Mr. Johnson. **MOTION CARRIED.**

Training Committee—Bernie Beier, Chair

Mr. Beier informed the commission that the training committee did discuss HSEEP compliant exercises and the procedures for being compliant.

Mick Newton from Noble County attended the training committee meeting. He talked about the need for Tier II training for businesses. Suggested a one or two page card with bullet points. Mick provided an example to the committee of when he was having issues in his county, he went out and played the role of

liaison. He was able to create a more effective program and tailor it to his county. The committee will work with Ian to put together a guide to give out to the LEPC's to use as liaison with companies.

Mr. Ewusi explained that a letter will go out on Chairman Greeson's signature, giving an update to the LEPC's on how the HSEEP process will work.

Motion to accept the training report made by Mr. Pridgen, seconded by Mr. Larson. **MOTION CARRIED.**

Fiscal Committee—Bruce Palin, Chair

Mr. Palin informed the commission that the committee did not meet, however there was some fiscal information that had been obtained since the last meeting that he would like to share with the commission. That information being, the undistributed LEPC funds that are transferred from the department of revenue to the IERC, and how he has been working to obtain an internal process of keeping these funds separate from the commission funds. Previously, there was nothing established to keep them separated for accounting purposes. Another issue that has come up is that there is no budget put in place to spend those funds. The only budget approved to spend money through is the commission budget. Ideally, the commission would try to get a separate account set up that could be budgeted just for those monies. From now on, the commission will need to get an augmentation from the budgeting agency before being able to spend said funds. Mr. Greeson asked for the commission's thoughts on putting a budget in place for those funds. Mr. Gavin explained that the issue is that the appropriation only acquired a certain amount of money for the IERC to spend, so that needs to be done in the appropriation bill if they are wanting to increase it above what the current appropriation is. Mr. Johnson asked how much money was in the fund. Mr. Palin noted the account for the excess dollars has approximately 190,000 of unspent LEPC funds. Mr. Greeson stated that he thinks it would be wise for the commission to have something in place that the money could be used for. Mr. Palin explained that the legislature would have to approve this in order for them to be able to spend money out of that. Mr. Pridgen spoke of back in 2011 or 2012 the commission had formed a list of about 10 or 12 items. Some of those items were seed money for a county and a vehicle for a staff member. Mr. Palin stated that those items were actually from the commissions funds not the LEPC unspent funds. Mr. Greeson asked if this is a separate legislative package other than the department of homeland security. Mr. Gavin explained that the budget bill is probably the best bill to do with that, however he believes it has already been submitted for the next two years. Mr. Palin noted that it is possible to get an augmentation, but it is not an easy task. Mr. Gavin stated that it would be appropriate for the commission to develop a budget that includes both pots of money so that the commission does not overspend. Mr. Pridgen asked for a fiscal meeting before the next IERC meeting.

ROSTER APPROVALS

Hendricks	Ripley	Vanderburgh	Wells
Morgan	Scott	Warrick	Whitley

Motion to approve roster was made by Mr. Larson, seconded by Mr. Beier. **MOTION CARRIED.**

OLD BUSINESS

Justin Forkner, administrative law judge and ethics officer with IDHS, introduced himself and gave an update on ethics training. Mr. Forkner informed the commission that the inspector general's office is still anticipating the ethics training to be the 2014 rollout, but it has now bumped up against the 2015 open enrollment for state employees and will not be able to start until after the open enrollment period ends on November 19, 2014.

Mr. Greeson gave an update on the Tier II reporting change from IDEM to IDHS. He informed the commission that there is a need to look at the software to handle the reporting, and the cost for the software will probably have to come from the IERC. Mr. Greeson asked Chuck Emsweller with IDHS to give an overview of the costs associated with transferring the program. Mr. Emsweller informed the commission that they have been looking at bringing the Tier II program over since about February or March. They have also been looking at what it would take for IDHS to assume responsibility for the program. He told the commission that taking the program from one agency to the other was not as simple as it had originally seemed. Taking the already created program from IDEM and moving it to IDHS would disrupt the flow and create a tremendous mess and area of confusion for our customers. The original discussions were that IDHS would assume those roles January 1st, 2015, but it became evident that the deadline was not going to be doable. IDHS has investigated commercial vendors and custom software. They have found that custom software was too expensive and they have since backed off of that. They have narrowed their list of vendors down to two, and plan to choose the final vendor very soon. The cost they are looking at for both vendors is estimated to be around \$200,000.00-\$250,000.00. IDEM has agreed to carry the Tier II program through 2015. The projected timeframe for IDHS to take over at this time is January 2016. Audience member Jeff Larmore asked what kind of access the locals would have to the software. Mr. Emsweller stated that they are looking to have each LEPC have access into the database where they can look up an entry. They will also have CAMEO like it is now. Mr. Palin informed the commission that they are also looking at ways to incorporate the fee payments into the system. Mr. Larmore suggested that when they start working on the software, they get LEPC's to give suggestions and feedback. Mr. Greeson agreed with this and added that he thinks that it is important that those who do the work get an input.

NEW BUSINESS

Mr. Greeson listed the dates for the 2015 IERC meetings. Mr. Ewusi added that the commission will be traveling to different counties for some of the meetings as follows:

January 12, 2015- IGC

March 9, 2015- IGC- location may change, waiting for confirmation from county

May 11, 2015- Fulton County, Rochester

July 13, 2014- Madison County, Anderson

September 14, 2015- Jackson County, Seymour

November 9, 2015- IGC

Mr. Greeson asked if there had been discussion for having these meetings as webinars. He stated he thinks it is a great idea and asked that when scheduling facilities, we ensure that they have the capability to handle the webinars and communications.

Motion to accept the dates and tentative locations made by Mr. Larson, seconded by Mr. French.

MOTION CARRIED.

REPORT OF THE FIELD REPRESENTATIVE--Ian Ewusi

Mr. Ewusi directed the commission to see his report located in their folders. He gave a follow up to previous meetings. He informed the commission that the planning and resource list has been updated according to the table listed in his report, and also a print out of the updated list in their folders. The vendors listed in yellow are facilities that have been sent letters and not received anything back but we know these companies exist. We will wait until the beginning of the year to receive a response, and at that time we will remove those with no response. Mr. Pridgen asked if there is a name attached to Elite Environmental Services, Inc. Mr. Ewusi

explained that is part of the problem. When calling some of these facilities, he is unable to make contact with anyone. Mr. Larson asked when the next time the staff will go through the list again. Mr. Ewusi stated the list is always reviewed when we have an applicant added, but he anticipates being able to do the complete list at the beginning of each year. He also noted that throughout the year, the vendors will be audited through the LEPC's as they will call if they are not able to reach a vendor and the updated guidance will shift the burden onto facilities to provide us with updated information at a set time.

With the LEPC assistance grant program, we have sent out fully executed MOU's to Fountain and Marion Counties. We will be waiting to receive receipts for completion of those projects. Fayette County, who was awarded seed money, has also sent in their grant resolution document. We are talking with our fiscal department in regards to issues with this agreement.

Mr. Ewusi has attended seven county meetings since the last IERC meeting. Mr. Ewusi explained to the IERC that some of the LEPC's have furnished him with some compliance issues. The first suggestion is proxies. The LEPC's would like the commission to consider the option of extending proxies to all LEPC members. Currently, proxies are extended to local government employees only. They would like this extended to all LEPC's, specifically industry representatives. The LEPC's would also like the quorum to be tied to the current representative categories versus the current individuals. For example, if one member from each representative category is present, then they would have a quorum.

The LEPC's have asked why if you can never fail the ethics training, does it need to be individual based. They would like to know why they cannot just hold an open meeting and do the training as a group and each individual sign off on it.

Mr. Ewusi reported that he recently attended the SERC Region V meeting in Chicago. The main topic of conversation at the conference was Executive Order 13650. EPA has been instructed to provide trainings and guidance for LEPCs and SERCs. Mr. Ewusi spoke about how Cameo is updated every year and there is a program called Tier II submit, which Allen County and Grant County use. The Federal Government is thinking of making this a web based program that the states would be able to host on their own servers. Listed on page 3 in the attached field representative report is a list of the EPCRA enforcement actions for Indiana.

Mr. Ewusi provided LEPC Plan Writing Workshops in Scott, Martin, and Morgan Counties. Mr. Larson asked if Mr. Ewusi was teaching them how to write stand alone plans because it is supposed to be part of the county annex. Mr. Ewusi explains that he is teaching them to write the plan based on 13-25-2, which will end up back in the counties CEMP.

He completed seven CAMEO trainings across the state. The list is located on page 3 of the attached report. There were no spill reports, reported.

Mr. Pridgen informed the commission that H. dieter Heinz should be removed from the planning and training resource list since he passed away in 2011.

Mr. Palin commented that he had heard the same questions regarding proxies for LEPC's. He stated that changing the way the proxy's are done would require a statue change. Mr. Gavin confirmed this. Mr. Larmore spoke from the audience that it is a challenge to get the quorum for the meetings because industry people do

travel. Mr. Greeson asked what other states do. Mr. Ewusi informed the commission that the only state he can see that mirrors ours is Ohio. Mr. Pridgen asked to take this discussion to the Policy/Technical committee to partner with legal and take a look at this within the next couple of weeks.

PUBLIC COMMENTS

Jeff Larmore told the commission that Marion County submitted an application for the LEPC assistance grant. He asked if there would be some discussion on that. The application was passed out at the policy tech committee meeting. Mr. Gavin spoke that the program was developed prior to him being the counsel to the commission. The IERC had wanted to spend some of the funds that were sent back to them from the LEPC's. Mr. Larmore noted that the money was not sent back from the LEPC's; it was money that was not given to the LEPC's who were not compliant. Mr. Gavin stated that the IERC wanted to give this money to some of the counties that were not active to help them become active. There was some criteria adopted that people needed to meet to get these grant funds. From his understanding the first time this came up there were two counties, Marion was one of those counties, and the IERC appointed a subcommittee to review those applications and make the decision. Mr. Gavin would recommend going forward that a more structured process be put into place to eliminate them having to go to the IERC and appoint a subcommittee for every application. He recommends the committee not be appointed by the chair or the IERC, just appoint an IERC member to head it up and establish a committee. If the chair or IERC appoint a committee, that committee is subject to the open door law. Mr. Pridgen accepted responsibility for that committee. Mr. Larmore asked if that meant they would hear in January whether or not their application was approved.

Mr. Larson informed the commission that there is a brand new NFPA standard that is open for public comments now through January 5, 2015. Standard number is 1616.

Alvin Beckman with Cass County EMA told the commission that there was a local Indianapolis TV station that called the EMA's requesting information and what their plans are. He asked the commission if they could expand on that. Mr. Greeson informed the audience that we are looking to work with the local media outlets and potentially have a news conference on Friday to explain what we can with regards to this topic. There is information that we will pass along that is confidential.

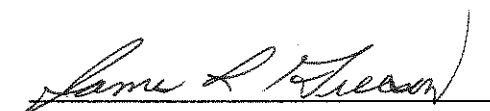
Bill Beranek asked about the Chemical Manufacturers Association that has the notation of letter returned, remove from list, they changed their name about ten years ago and they are the group that is the easiest way to find the manufacturer of a chemical in the middle of an incident. He also asked about zero spill reports. Mr. Ewusi clarifies that these are the 304 releases.

NEXT MEETING

January 12, 2014, 1:00 pm

ADJOURNMENT

Chair adjourned the meeting at 2:33 P.M.


James Greeson, Chair

MEMORANDUM

TO: IERC Commission Members

FROM: Ian Ewusi, IERC Field Representative

DATE: October 31, 2014

SUBJECT: IERC Field Representative Activity Report

This is a report on my activities since the last IERC meeting on September 8, 2014, held in Versailles, Indiana.

FOLLOW-UP FROM PREVIOUS MEETING

Notice letters to vendors on the LEPC Planning and Training Resource List identified as inactive—The letters asked vendors to review and confirm their listed services and contact information, and provide updates if applicable. The updated vendor list was posted online on October 27, 2014. The table below summarizes the results of my inquiry.

Vendor	Result
Andy Distemper	No response to letter / Removed from list
Charles R. Gunter	No response to letter / Removed from list
Chemical Manufacturer's Association	Letter returned / Removed from list
Coronet/MTI Film & Video	No response to letter / Removed from list
Diversified Business Services, Inc.	No response to letter / Removed from list
DEQ, Inc.	Letter returned / Removed from list
Emergency Books 7 training Materials, Inc.	Letter returned / Removed from list
Eric Nichols, Krise Consulting	Letter returned / Removed from list
Infrastructure and Technology Group	Letter returned / Removed from list
Mission Ready Consulting, Inc.	Letter returned / Removed from list
R.J. Laughner Training	Letter returned / Removed from list
SorbTech, Inc.	Letter returned / Removed from list

Status of LEPC Assistance Grant Program Applications—Sent fully executed MOU to Fountain and Marion Counties, and funds will be released to respective counties when receipts for project payments are submitted by counties.

IERC funding of Fayette County LEPC (seed money of \$5000)—Updated grant resolution document has been submitted by the LEPC and expect funds to be released as soon as issues with paying non-reimbursement grants have been resolved by legal and fiscal staff.

LEPC ACTIVITIES

LEPC Meetings Attended—7 Counties

Whitley—9/10	Monroe—10/1	Tipton—10/9	Huntington—10/29
Adams —9/16	Montgomery—10/7	Fayette—10/16	

LEPC Compliance Suggestions

- Proxy Issues
 - Consideration of the proposal that the proxy option be extended to all LEPC members, especially industry representatives to encourage industry participation.
 - Consideration that quorum requirement be tied to the current representative categories instead of the roster membership count or as an alternative.

The 12 minimum membership requirements are in the following representative categories:

- | | |
|-------------------------------|--------------------------|
| 1. Local/State Government | 7. Environmental |
| 2. Law Enforcement | 8. Transportation |
| 3. Emergency Management | 9. Broadcast/Print Media |
| 4. Fire Fighting | 10. Industry |
| 5. Emergency Medical Services | 11. Community Groups |
| 6. Health | 12. Hospital |

- Ethics Training—Suggestion that the training also be offered in a seminar presentation format at a legal LEPC meeting. Attending members listed on the official approved LEPC roster will sign an agreement statement following the presentation to be credited for completion of ethics training.

EPCRA PROGRAM

Annual SERC Region V meeting in Chicago October 22–23, 2014—Attended the meeting along with 7 other SERC representatives from Illinois, Michigan, Minnesota, Ohio and Wisconsin; 13 EPA officials; and 1 DHS official. The main topics of discussion were as follows:

- Executive Order 13650 (Chemical Facility Safety & Security)—Status report to the President on EPA's actions was provided by EPA's deputy director of OEM (Office of Emergency Management). The key areas of action identified were as follows:
 - Strengthening community planning and preparedness with specific focus on SERCs/TERCs (Tribal Emergency Response Commissions), LEPCs/TEPCs (Tribal Emergency Planning Committees), first responders, and communities (public). This entailed the following actions and timeline:
 - * Develop online training for SERCs/TERCs on key EPCRA requirements (by 6/6/15)
 - * Develop guidance and training for, and hold regional workshops with, LEPCs/TEPCs to reinforce their authority, roles and responsibilities, and to identify barriers to meeting their requirements for development and implementation of local emergency plans (by 6/6/15)
 - * Leverage industry associations to provide their members with information on EPCRA roles, responsibilities and involvement with LEPCs/TEPCs (by 6/6/15)
 - * Update National Response Team (NRT) guidance for developing and reviewing hazardous materials emergency plans on lessons learned and new technologies (by 9/30/16)
 - * Improve CAMEO suite to expand analytical capability and promote information sharing (by 9/30/16)
 - * Develop and provide a complete Web-based version of *Tier II Submit* that states can host on their own servers (by 9/30/16)
 - Enhancing federal coordination at the national and regional level
 - Improving data management and sharing with stakeholders
 - Modernizing policies and regulations, including those for EPA's risk management plan (RMP)
 - Incorporating stakeholder feedback and developing best practices

- EPCRA Enforcement Actions (2013–2014)—EPA reported conducting 60 site inspections in the Region V states, of which 12 were in Indiana. A comprehensive report on EPA’s enforcement process is available, upon request. See table below for summary information on Indiana:

Facilities	Inspection Date	Outcome
Safety Kleen	2/1/13	Pending
United Transportation Group	2/5/13	Pending
Heritage Crystal Clean	4/15/13	Pending
Kentucky Concrete	5/13/13	Pending
Jeffboat LLC	5/13/13	NON (Notice of Non-compliance)
Frick Services, Inc.	8/20/13	No Action
Whole Foods Market	8/20/13	Penalty
Scepter, Inc.	11/19/13	Penalty
Nu-Gas, Inc.	11/20/13	No Action
Restorco, Inc.	11/20/13	No Action
Crop Tech Seed Co.	11/20/13	Penalty
Hammelmann Nitrate Co.	4/14/14	No Action

- Mercury (elemental) Education Initiative—An overview on the topic was provided by a representative from the Agency for Toxic Substance and Disease Registry (ATSDR). The Atlanta-based agency is a federal public health agency of the U.S. Department of Health and Human Services.
- DOT Emergency Order on Crude Oil Shipments—An overview was given by an NRT (National Response Team) representative on implementation of DOT’s emergency order on crude oil shipments. (PowerPoint presentation and commodity preparedness & incident management reference sheet are available upon request.)

TRAINING

LEPC Plan Writing Workshops

- Scott County—September 19, 2014
- Martin County—September 19, 2014
- Morgan County—October 17, 2014

Computer-Aided Management of Emergency Operations (CAMEO)—7 completed, 2 planned

- IERC Conference, Indianapolis—August 22, 2014 (completed)
- Hancock County, New Palestine—August 29, 2014 (completed)
- Hendricks County, Avon—October 6, 20 & 28, 2014 (completed)
- Hamilton County, Noblesville—October 9, 2014 (completed)
- IAHRM Conference, Lafayette—October 25, 2014 (completed)
- Sullivan County, Sullivan—Pending
- Marion County, Indianapolis—Pending

SPILL REPORTS—none